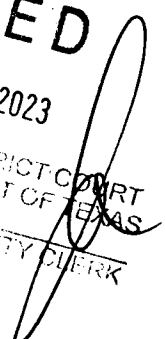


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

FILED
AUG 21 2023
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 

UNITED STATES OF AMERICA,

Plaintiff,
vs.

(1) MARTIN EDGAR GARZA PACHECO

Defendant.

Cause No.: DR23-CR-1360-AM-(1)

STIPULATION OF FACTS

The United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant U.S. Attorney, the Defendant, and Defense counsel hereby stipulate that if this matter were to proceed to trial, the United States would establish by legal and competent evidence the following facts beyond a reasonable doubt:

On April 21, 2023, at approximately 4:40 p.m., Defendant Martin Edgar Garza Pacheco approached the Eagle Pass Port of Entry in Eagle Pass, Texas, within the Western District of Texas, driving a black Jeep Grand Cherokee with Mexican license plates. Customs and Border Protection (CBP) lawfully stopped Defendant. The Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) responded to the Port of Entry. Pacheco was advised of his constitutional and statutory (Miranda) rights in a language he understood. Pacheco waived those rights and agreed to speak to agents without an attorney present. Pacheco stated he had taken approximately eight firearms from the United States to Mexico over the last four months and those firearms were all purchased by Mexican citizens. Pacheco stated he would sell them at his clothing store in Muzquiz, Coahuila for approximately \$300 profit. Pacheco knew the recipients of the firearms could not lawfully possess the firearms and the possession of said firearms constituted a felony.

On April 22, 2023, ATF reapproached Pacheco and again advised of his constitutional and statutory (Miranda) rights in a language he understood. Pacheco again waived those rights and agreed to speak to agents without an attorney present. Pacheco then admitted he was using Victor Ulysses Ybarra-Daniels and Shiddartha Salinas Avila to purchase firearms for him so he could smuggle the firearms to Mexico for sale. Pacheco stated he lost count of how many, but it was more than the eight he initially stated. ATF showed Pacheco a complete list of the thirty-two firearms purchased by Ybarra-Daniels and Avila. Pacheco stated he instructed them to purchase all of those firearms and he, Pacheco, later smuggled them to Mexico. That list included a Glock Model 44 (S/N: AHCUI100) and a Glock Model 42 (S/N: AHFZ000) purchased by Avila on March 10, 2023, from Academy Sports + Outdoors #47 in San Antonio, Texas. The list also included a Glock Model 44 (S/N: AHCX575) and a Glock Model 42 (S/N: AHFZ399) purchased by Avila from Academy Sports + Outdoors #39 in San Antonio, Texas also on March 10, 2023.

Pacheco stated on April 13, 2023, he traveled to San Antonio, Texas to pick up two firearms purchased by Ybarra-Daniels and took them to Mexico on April 15, 2023. Those firearms were a Smith & Wesson M&P 380 Shield EZ .380 caliber Pistol (S/N: NLZ1851) and a Smith & Wesson M&P 380 Shield EZ .380 caliber Pistol (S/N: RHA0307). ATF and CBP confirmed Pacheco crossed into the United States at the Eagle Pass Port of Entry on April 13, 2023. ATF further confirmed those firearms were purchased by Ybarra-Daniels at Academy Sports + Outdoors #39 in San Antonio, Texas on April 14, 2023.

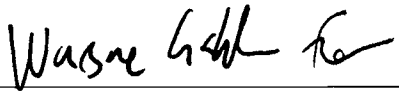
ATF confirmed the Smith and Wesson model M&P 380 Shield EZ pistol, .380 caliber, (S/N: NLZ1851), the Smith and Wesson model M&P 380 Shield EZ pistol, .380 caliber, (S/N: RHA0307), the Glock model 44 pistol, .22 LR caliber, (S/N: AHCX575), and the Glock model 42 pistol, .380 caliber, (S/N: AHFZ399) were manufactured outside of Texas, thereby affecting

interstate commerce by travelling to the state of Texas. Further, Ybarra-Daniels and Avila knew and understood that the purchase of the firearms was made on behalf of, or at the request or demand of another person, Pacheco, and they knew that Pacheco intended to illegally smuggle the firearms into Mexico where they would be resold.

Defendant Martin Edgar Garza Pacheco now accepts responsibility and admits that between September 27, 2022 and April 14, 2023, Defendant conspired to ship, transport, transfer, cause to be transported, and otherwise disposed of firearms to another person, in and affecting interstate and foreign commerce, knowing and having reasonable cause to believe that the use, carrying, and possession of a firearm by the recipient would constitute a felony. Defendant committed all the foregoing acts knowingly, and with a specific intent to violate the law in violation of Title 18, United States Code, Section 933(a)(1), (a)(3), and (b).


Respectfully submitted,

JAIME ESPARZA
United States Attorney

By: 
ALEXANDER E. BROWN
Assistant United States Attorney

I have carefully read and reviewed the entirety of this Stipulation of Fact, or it has been read to me (and if necessary, translated for me) and reviewed with me by my attorney. After careful consideration and discussion with my attorney, and fully understanding my rights with respect to the pending criminal charge(s), I knowingly and voluntarily agree the above Stipulation of Facts is true and accurate, and had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Signed this 17th day of Aug, 2023.



MARTIN EDGAR GARZA PACHECO
Defendant

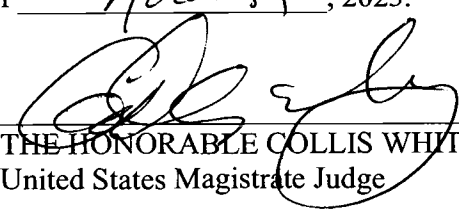
I am counsel for Defendant. I have fully explained to Defendant all of Defendant's rights with respect to the pending criminal charge(s). I have carefully reviewed this Stipulation of Fact in its entirety with Defendant and provided Defendant with my best professional advice. In my opinion, Defendant's decision to agree to this Stipulation of Fact made voluntarily, and with full knowledge of its obligations and consequences.

Signed this 17th day of Aug, 2023.



GILBERTO HERNANDEZ-SOLANO
Defendant's Attorney

Adopted and approved this 21 day of August, 2023.



THE HONORABLE COLLIS WHITE
United States Magistrate Judge